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PATENT Case No. 21124YP

PCT

N THE UNIT STATES PATENT AND TRADEMA

OFFICE

Applicants:

David B. Olsen et al.

Serial No. 10/517,294

Filed: December 7, 2004

For: NUCLEOSIDE DERIVATIVES AS INHIBITORS OF

RNA-DEPENDENT RNA VIRAL POLYMERASE

Art Unit:	TBA	-	

**TBA** 

Examiner:

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

## INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

Sir:

- 1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
- 2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
- 3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
- 4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Denux Bour Date 3-7-2005



5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

<u> </u>	RELATED APPLICATION					
	U. S. SERIAL NUMBER	FILING DATE	MERCK CASE			

1			
If th	is is inconvenient, additional copies will be submitted upon reques	t.	
(	6. In accordance with 37 C.F.R. 1.97, (check one)		
$\checkmark$	the attached information is filed within three months of the filing da	te of the captioned case.	
	the attached information is filed more than three months after the Office Action on the merits.	filing date but prior to the m	ailing of a first
	the attached information is being filed more than three months after Office Action on the merits, but before the mailing date of a Final A authorization is therefore given to charge Deposit Account No. 13-1.17(p).	Action or Notice of Allowand	ce. The enclosed
	the undersigned certifies that each item of information contained in cited in any communication from a foreign patent office in a countermonths prior to the filing of this Statement.	n this Information Disclosur erpart foreign application no	e Statement was first ot more than three
	the undersigned certifies that no item of information contained in the a communication from a foreign patent office in a counterpart fore person signing the certification after making reasonable inquiry, we C.F.R. 1.56(c) more than three months prior to the filing of this Sta	ign application, and, to the as known to any individual	knowledge of the
		Respectfully submitted,	
		Thing ?	Ourte
		By: Philippe L. Durette	
		Attorney For App	licant(s)
		Reg. No. <u>35,125</u>	<u></u>
		MERCK & CO., INC.	·
		Patent Dept., RY60-30	
		P.O. Box 2000 Rahway, N.J. 07065-090	7
	•	(732)594- <u>4568</u>	•
		Date: March 7, 2005	

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	Substitute for form 1449A/PTO		COMPLE IF KNOWN
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<b>/</b> b`	STATEMENT BY APPLICANT	First Named Inventor	David B. Olsen, et al
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<b>S</b>	of 3	Attorney Docket Number	21124YP

	U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	
	1	6,777,395		Bhat et al.	08/17/2004	
	2	6,812,219		LaColla et al.	11/02/2004	
	3	US 2003/0060400		LaColla et al.	03/27/2003	
	4	US 2003/0050229		Sommadossi et al.	03/13/2003	
	5	US 2004/0097461		Sommadossi et al.	05/20/2004	
	6	US 2004/0072788		Bhat et al.	04/15/2004	
	7	US 2004/0147464		Roberts et al.	07/29/2004	
	8	US 2004/0063658	ĺ	Roberts et al.	04/01/2004	
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	FOREIGN PATENT DOCUMENTS					
Examiner Cite		Foreign Patent Document  Office Number Code		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	
Illitials	140.	0		Code (if known)	of cited Document	MM-DD-YYYY
	9	PCT	WO02/057425		Merck & Co., Inc.	07/25/2002
	10	PCT	WO02/32920		Pharmasset Limited	04/25/2002
	11	PCT	WO03/093290		Genelabs Technologies, Inc.	11/13/2003
	12	PCT	WO02/057287		Merck & Co., Inc.	07/25/2002
	13	PCT	WO01/92282		Novirio Pharmaceuticals Limited	12/06/2001
	14	PCT	WO01/90121		Novirio Pharmaceuticals Limited	11/29/2001
	15	PCT	WO03/051899		Ribapharm Inc.	06/26/2003
	26	PCT	WO03/062255		Ribapharm Inc.	07/31/2003
	17	PCT	WO03/062256		Ribapharm Inc.	07/31/2003
	18	PCT	WO2004/065398		Ribapharm Inc.	08/05/2004

Examiner Signature	Date Considered	

<sup>\*</sup>Examiner: Initial if reference considered, whether or not citation is in conformalise with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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1	INFORMATION I	DISCLOSURE	Application Number	10/517,
	STATEMENT BY	ADDI ICANT	Filing Date	December 7, 2004
Λ	STATEMENT BI	AFFLICANI	First Named Inventor	David B. Olsen, et al.
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	U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document Number		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	

	FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document  Office Number Kind Code		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	
Intituis				(if known)		MM-DD-YYYY
	19	PCT	WO2004/028481		Genelabs Technologies, Inc.	04/08/2004
	20	PCT	WO2004/002999		Idenix (Cayman) Limited	01/08/2004
	21	PCT	WO2004/002422		Idenix (Cayman) Limited	01/08/2004
	22	PCT	WO2004/046331		Idenix (Cayman) Limited	06/03/2004
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		COMPLIANT KNOWN
Substitute for form 1449B/PTO INFORMATION DISCOSURE	Application Number	10/517,
1 POE A SERVICIO DE LOS NITO	Filing Date	December 7, 2004
STATEMENT BY APPLICANT	First Named Inventor	David B. Olsen, et al
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		NON PATENT LITERATURE DOCUMENTS
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
	23	Anne B. Eldrup et al., "Structure-Activity Relationship of Heterobase-Modified 2'-C-Methyl Ribonucleosides as Inhibitors of Hepatitis C Virus RNA Replication", J. Med. Chem., Vol. 47, pp. 5284-5297 (2004)
	24	Anne B. Eldrup et al., "Structure-Activity Relationship of Purine Ribonucleosides for Inhibition of Hepatitis C Virus RNA-Dependent RNA Polymerase", J. Med. Chem., Vol. 47, pp. 2283-2295 (2004)
	25	David B. Olsen et al., "A 7-Deaza-Adenosine Analog is a Potent and Selective Inhibitor of Hepatitis C Virus Replication with Excellent Pharmacokinetic Properties", Antimicrobial Agents and Chemotherapy, Vol. 48, No. 10, pp. 3944-3953 (2004)
	26	Per Hoffmann et. al., "Recent Patents on Experimental Therapy for Hepatitis C Virus Infection", Expert Opin. Ther. Patents, Vol. 13(11), pp. 1707-1723, (2003)
	27	Volker Brass et al., "Recent Developments in Target Identification against Hepatitis C Virus", Expert Opin. Ther. Targets, Vol. 8(4), pp. 295-307, (2004)
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Examiner Signature		Date Considered	